

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATHIAS DOUGLAS KANE,

Defendant.

NO. CR20-5271 BHS

UNITED STATES' SENTENCING  
MEMORANDUM

**I. Introduction.**

The government joins the defense and the U.S. Probation Office in recommending that the Court sentence Mathias Kane to a term of imprisonment of "time served" and a two-year period of supervised release, with all of the conditions of supervised release recommended by the Probation Office. This recommended sentence is effectively at the high-end of the applicable Sentencing Guidelines range and appropriately addresses the defendant's serious criminal conduct.

**II. The Sentencing Guidelines Calculations.**

The government concurs with the Sentencing Guidelines calculations set forth in the Presentence Report. The Probation Office correctly calculates the total offense level

at 12, Kane's Criminal History Category at II, and the advisory Sentencing Guidelines range to be 12-18 months.

### **III. Restitution.**

In consultation with the victim, B.S., the government has decided not to seek restitution in this matter.

### **IV. Sentencing Recommendation.**

For the reasons set forth herein, the government recommends that the Court sentence the defendant to a term of imprisonment of "time served" and a term of supervised release of two years, with all of the conditions of supervised release recommended by the Probation Office. The various statutory sentencing factors support this sentence including, most prominently, the nature and circumstances of the offense; the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment; the history and characteristics of the defendant; and the need for the sentence to afford adequate deterrence to criminal conduct.

Kane's criminal activities were extremely serious. He made multiple online threats against the victim, B.S., causing her to fear for her safety and seek a protection order against Kane. Kane's online statements about his possession of firearms and ammunition further contributed to the fear B.S. felt over the threats he made against her. Moreover, Kane made various additional online threats to kill law enforcement officers and CPS workers, and made vitriolic anti-Semitic posts on a daily basis. Although Kane's background and characteristics provide some mitigation, on balance this case calls for a sentence at the high-end of the Guidelines range.

The recommended sentence of "time served" is effectively a high-end sentence. Kane has already served 14 months in federal prison. This sentence is the equivalent of a high-end 18-month sentence when factoring in the credit for good time provided by the Bureau of Prisons and the typical early release to a Residential Reentry Center. As such,

1 a “time served” sentence is a significant sentence in this case, and one that is warranted  
2 given the seriousness of the defendant’s criminal activities.

3 **V. Conclusion.**

4 For all of the reasons set forth above, the government recommends that the Court  
5 sentence the defendant to a term of imprisonment of “time served” and a term of  
6 supervised release of two years, with all of the conditions of supervised release  
7 recommended by the Probation Office.

8 DATED this 14th day of July, 2021.

9 Respectfully submitted,

10  
11 TESSA M. GORMAN  
12 Acting United States Attorney

13 s/ Todd Greenberg  
14 TODD GREENBERG  
15 Assistant United States Attorney  
16 United States Attorney’s Office  
17 700 Stewart Street, Suite 5220  
18 Seattle, Washington 98101-3903  
19 Facsimile: 206-553-4440  
20 Phone: 206-553-7970  
21 E-mail: Todd.Greenberg4@usdoj.gov  
22  
23  
24  
25  
26  
27  
28